



## **500.37 Mobile Video Recording**

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### **POLICY**

Mobile Video and Audio Recording (MVR) equipment has been demonstrated to be of value in the prosecution of traffic violations, criminal offenses, the evaluation of officer performance, and training. In order to maximize the utility of this equipment in these and related areas, officers shall comply with this policy.

Safety to officers and to citizens is paramount; at no time should members disregard safety for the purposes of recording

### **PROCEDURE**

#### **A. PROGRAM OBJECTIVES**

1. This agency has adopted the use of mobile video/audio recording systems in order to accomplish several objectives, to include
  - a. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and courtroom testimony.
  - b. The enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and citizen interaction, evidence for investigative purposes, general quality control and for officer evaluation and training.

#### **B. ADMINISTRATIVE CONTROL & TRAINING**

1. The MVR Administrator, or designee, will oversee the Mobile Video Recording (MVR) program and will coordinate training through the Training Unit.
2. The Training Unit shall ensure that a current list is maintained of all officers trained to operate the MVR's.
3. The Training Unit will coordinate and ensure that all officers and patrol supervisors receive training on the general operation, legal, and evidentiary aspects of the MVR's.
4. The MVR Administrator will conduct a documented quarterly review of at least 10 In-Car and Body-Worn MVR captured videos. Recommendations for changes and/or training will be made if any deficiencies are found.
5. Officers are encouraged to inform their supervisors and/or the Training Unit of any recorded incidents that may be of value for training purposes.

#### **C. IN-CAR MVR OPERATING PROCEDURES**

1. All officers who are operating a HCSO vehicle that is equipped with In-Car MVR devices and who are trained in the operation of such devices, shall ensure that the

video and audio recording function remains on at all times during the following circumstances:

- a. Criminal Investigations when body camera is not worn.
  - b. Traffic Stops and/or traffic crashes
  - c. Pursuits
  - d. Arrest and/or detention of suspect(s)
  - e. Any dispatched call for service where contact is made with the public and body camera is not worn.
  - f. Transportation of any suspect, victim and/or witness in a patrol vehicle to final destination
  - g. Emergency responses
2. An exception to the audio requirement is permitted when the officers are not in the presence of a citizen. In those circumstances an officer may elect to turn off the audio microphone. It will be the officer's responsibility to turn the audio microphone back on **prior** to having any additional contact with the citizen. (An example of this is an officer walking back to their vehicle during a traffic stop).
3. Equipment Check: At the beginning of each shift, Officers must inspect and check the In-Car MVR equipment in their assigned vehicle, if equipped with an In-Car MVR device. The check shall include audio as well as front and rear facing video and the setup of the In-Car MVR for recording.
4. A brief recording shall be made to include properly setting/checking the correct time and date. The officer shall then review the test recording to ensure the equipment is functioning properly. If the audio recording function is inoperable for any reason the officer shall still utilize the In-Car MVR for video purposes.
5. Activation: Activation of the MVR equipment shall take place as soon as practical. The In-Car MVR equipment used by the department is installed and designed to activate automatically when the patrol vehicle's emergency lights are in operation. The video system may be activated in one of three ways:
  - a. When the patrol vehicle's emergency lights are activated.
  - b. Manually by pushing the "Record" button on the remote control (Decatur).
  - c. Remotely by pressing or sliding the button on the wireless microphone transmitter.
  - d. In the event of a patrol vehicle crash the camera will activate.
6. The In-Car MVR continuously captures a "pre-event" of 30 seconds prior to activation of the camera. If an officer witnesses an event – such as a crash, he/she should manually activate the In-Car MVR in order to record the 30 seconds of "pre-event".
7. Deactivation: Recording can only be stopped by manually pressing the "Stop" button on the control panel after the incident has concluded.
8. Search: When the officer has made the determination to arrest, the arrest should take place in view of the In-Car MVR when possible. The suspect will be handcuffed and searched pursuant to policy. Searches of both the suspect and the suspect's vehicle should be both audio and video recorded, with the officer describing for the In-Car MVR what evidence is found and where the item was located in the suspect's vehicle.
9. Officers will document the existence of any recording in the appropriate arrest or other related report(s).

#### D. BODY-WORN MVR OPERATING PROCEDURES

1. This policy will be evaluated and assessed by the Sheriff's office continuously. The Body-Worn MVRs will be assigned to personnel in Road Patrol, K-9, and SRO unit.
2. All officers issued Body-Worn MVR equipment who are trained in the operation of such devices, shall ensure that the video and audio recording functions remain on at all times during the following circumstances:
  - a. Criminal Investigations
  - b. Traffic Stops and/or traffic crashes
  - c. Pursuits
  - d. Arrest and/or detention of suspect(s)
  - e. Any dispatched call for service where contact is made with the public.
  - f. In the event that an In-Car MVR is inoperable or not present, then the Body-Worn MVR will be utilized to record the transportation of any suspect, victim and/or witness in a police vehicle to final destination
  - g. Emergency responses
3. An exception to the audio requirement is permitted when the officers are not in the presence of a citizen. In those circumstances an officer may elect to turn off the audio microphone. It will be the officer's responsibility to turn the audio back on **prior** to having any additional contact with the citizen. (An example of this is an officer walking back to their vehicle during a traffic stop).
4. Cameras shall be deactivated only at the conclusion of the event. If a camera is deactivated during any of the above circumstances the officer shall document on camera the date, time and reason for the deactivation. If the officer does not state the required information on camera they shall enter the date, time and reason for deactivation in the incident notes.
5. While conducting follow-ups, it is recommended that MVR operators utilize the video and audio recording function but Officers may use their discretion in such circumstances.
6. **Equipment Check:** Officers issued Body-Worn MVR equipment shall inspect their issued Body-Worn MVR by conducting a brief equipment check to ensure the proper functionality. This check shall be conducted by turning on the Body-Worn MVR, listen for audible tones and ensure the appropriate red, green and blue lights flash. Then push the battery status button and ensure the battery status light illuminates and that there is sufficient battery to record shift activities.
7. **Activation:** Activation of the MVR equipment shall take place as soon as practical. The Body-Worn MVR equipment has two modes of operation:
  - a. **Buffering Mode:** The Body-Worn MVR continuously loops video only recording for 30 seconds. The camera will capture video but no audio, and will not record to permanent memory while in BUFFERING mode.
  - b. **Event Mode:** To activate, press the event button two times within one second. When the event button is activated, the system saves the buffered video and continues recording video until turned off or device memory is full. An audible alert will sound every two minutes to remind the officer that the device is recording.
8. The Body-Worn MVR continuously captures a "pre-event" of 30 seconds prior to activation of the camera. If an officer witnesses an event – such as a crash, he/she

should manually activate the Body-Worn MVR in order to record the 30 seconds of “pre-event”.

9. Deactivation: Recording can be stopped by manually pressing and holding the event button for approximately four seconds after the incident has concluded. (an audible “beep” indicates the system has been deactivated)
10. Officers will document the existence of any recording in the appropriate arrest or other related report(s).

#### E. CITIZEN CONTACTS & PRIVACY CONCERNS

1. Citizen contact where NO reasonable expectation of privacy exists: All officers issued In-Car or Body-Worn MVRs and who are trained in the operation of such devices **MAY** activate the video and audio recording function when making a citizen contact **IF** the contact is made in a public place where the citizen would not have a reasonable expectation of privacy. Consent is **NOT** required to record.
2. Citizen contact where an expectation of privacy DOES exist: If a citizen contact is made in a place where the citizen has a reasonable expectation of privacy, the officer may activate the video and audio function **ONLY** with the consent of the citizen to record. (For example, if an officer is inside a residence for a non-criminal investigative purpose)
3. Privacy Concerns: MVRs can have implications in terms of privacy when it comes to recording sensitive matters, nudity, gathering victim information particularly in situations involving abuse and rape.
4. Officers should also use careful discretion in cases which persons may be unwilling or reluctant to share information about a crime if they are being recorded. Consideration should be given to whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.
5. Officers may record inside a person’s residence **IF** they are inside the residence for criminal investigative purposes or consent is obtained to record.
6. Officers should activate the Body-Worn MVR during the course of any encounter with the public that becomes adversarial after the initial contact if/when it is safe to do so.

#### F. PROHIBITIONS / RESTRICTIONS

1. Prohibitions: Personnel Shall not:
  - a. Destroy, alter or tamper with audio and/or video.
  - b. Tamper with the MVR systems, files, or other related equipment.
  - c. MVR Operators will not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media captured from the MVR systems.
  - d. Intentionally record undercover officers, confidential informants, or other sources of confidential information.
  - e. Intentionally record personal activity not related to official duties or utilizes an MVR in places where a reasonable expectation of privacy exists, such as, locker rooms, dressing rooms and restrooms. Unless the MVR is being used for purposes of a criminal investigation.
  - f. Intentionally record conversations of fellow employees without their knowledge during non-enforcement related activities.

- g. Use a Body-Worn MVR not assigned to them. Each Body-Worn MVR is assigned and configured for use by individual officer. No supervisor shall order an officer to utilize an MVR not assigned to them.
  - h. Share passwords and/or usernames to Evidence.com and Officers shall only download their In-Car MVR files under their ID number. It is the responsibility of all authorized personnel to keep their passwords and usernames confidential.
  - i. Post MVR footage to any social media site without prior approval from the Sheriff or Public Information Officer.
2. **Personal Mobile Video Recorder (PMVR):** Personal mobile video recorders are prohibited. Officers that choose to utilize audio recording devices either issued by the department or personally owned may do so while performing their law enforcement duties, with the permission of their direct supervisor, for criminal investigations. Evidentiary recording shall be handled according to evidence guidelines and documented according to Sections C.10 & D.10 above. Officers should be aware that their personally owned audio recording equipment may be subject to subpoena, and or seizure for evidentiary purposes depending on the situation.
  3. Violation of this policy will result in disciplinary action, to include termination / withdrawal of appointment.

#### G. SECURITY/TRANSFER MVR FILES

##### 1. **In-Car MVRs:**

- a. Officers will download the In-Car MVR files utilizing the In-Car Camera DVR internal flash drive which will be uploading to Evidence.com by the end of the Officer's Shift.
- b. Identification (ID) for the footage shall be the complete report number (i.e. HCSO17OFF001234 no hyphens) IF a report number does not exist then a CAD report number shall be used (i.e. HCSO17CAD001234).
- c. Anytime there is a failure or interruption during file transfer, the In-Car MVR system will not delete any files on the digital recorder. The Officer will have to contact the supervisor for video retrieval.
- d. Under no circumstances will any personnel erase, attempt to erase, alter, deface or destroy any digital recording, whether evidentiary or non-evidentiary. Officers will be held to a high degree of accountability for the security, processing, care, and maintenance of all agency recordings.
- e. Officers assigned to work "Details" who operate a vehicle equipped with an In-Car MVR shall conduct a download of any recorded audio and/or video at the conclusion of the detail if video was recorded during the detail.

##### 2. **Body-Worn MVRs:**

- a. Officers will download the Body-Worn MVR files to the Evidence.com server utilizing the ETS by the end of their shift.
- b. CAD/RMS integration is an automated process that labels an officer's body-worn camera videos to the corresponding officer's calls for service. Any officer not identified in CAD as being on a call will be required to manually categorize the video footage taken during the call. Any videos not categorized will be manually categorized as follows:

1. Uncategorized: default download category if an officer fails to categorize a video file;
  2. Non-Evidence: events used for administrative purposes such as test videos, training or cancel before arrival on scene;
  3. Evidence: media of a possible or actual civil or criminal matter such as physical arrest, trespass warning, or traffic citation;
  4. Homicide or Sex Crime: any audio and/or video regardless of what is recorded from a call for service reference a homicide or sex crime;
  5. Officer Involved Shooting or Critical Incident: any audio and/or video regardless of what is recorded from a call for service reference an officer involved shooting or critical incident;
  6. Pending Review: this category is not to be used by Officers; it is for supervisor use only.
- c. On a weekly basis officers, who are issues body-worn cameras, shall log into Evidence.com to ensure all videos are being properly labeled.
  - d. Identification (ID) for the footage shall be the complete report number (i.e. HCSO17OFF001234 no hyphens) IF a report number does not exist then a CAD report number shall be used (i.e. HCSO17CAD001234).
  - e. Title may be the subject's name and/or location or any other identifying information.
  - f. The ETS simultaneously recharges the Body-Worn MVR while transferring files to Evidence.com
  - g. Under no circumstance will any personnel erase, attempt to erase, alter, deface or destroy any digital recording, whether evidentiary or non-evidentiary. Officers will be held to a high degree of accountability for the security, processing, care, and maintenance of all agency recordings.
  - h. Officers assigned to work "Details" who are issued a Body-Worn MVR shall utilize it according to this policy and shall download any recorded video at the conclusion of the detail, if video was recorded during the detail.

#### **H. RETENTION & DISSEMINATION**

1. The Professional Standards Unit Commander, or designee, is responsible for ensuring that recorded video files will remain on the secure In-Car MVR network server or the Body-Worn MVR server for a minimum period consistent with Florida records retention requirements.
2. Access levels to the MVR servers:
  - a. Officer: Can view their own recordings.
  - b. Supervisors/Detectives: Can view all recordings.
  - c. Lieutenants and above: Can view all recordings and create DVD's of any recording
  - d. PSU & IT: Has full access to view, copy, and delete any recorded files. Also has the capability to change others' file access.
  - e. Records Supervisor or Designee: Can view and make DVD copies of all files for purposes of fulfilling public records requests. The Records Supervisor, or designee, is authorized to share files with the Office of the State Attorney.

3. Dissemination of video or audio outside the Hendry County Sheriff's Office will be in accordance with Florida Public Records laws and HCSO Policy 200.17: Records.
  4. Evidentiary copies of Body-Worn MVR files will **only** be accessed and copied from Evidence.com on department approved equipment unless previously authorized in writing by a supervisor.
- I. LIMITATION ON REVIEW OF DATA
1. Supervisors may review MVR video files of any recorded event as it relates to a crime; any complaint filed against an officer or the department; or concerns related to officer performance and/or safety issues.
  2. Supervisors conducting use of force, vehicle accident, pursuit or other complaint investigations shall determine if video is available in each instance. If video is available, the supervisor shall move all relevant video to the appropriate Evidence. Com BlueTeam Folder.
  3. Deputies may only review data as it relates to evidence, preparing official reports, training or complaints.
  4. The Professional Standards Unit will control access to and viewing permissions of Evidence.com and the In-Car MVR network server through its security protocol. The Professional Standards Unit and supervisors will periodically review video for quality control purposes.
- J. EQUIPMENT REPAIR
1. If any part of the In-Car and/or Body-Worn MVR equipment is not functioning properly upon an MVR operator's inspection or during shift, the employee shall notify his/her supervisor and the MVR Administrator immediately via email. MVR Administrator will make arrangements for repairs.
  2. Officers shall not attempt to repair MVR equipment. Officers shall clean and maintain the equipment in accordance with the manufacturer's specifications.
  3. If available, Supervisors shall reassign a spare body-worn camera until the non-functioning equipment can be repaired.
  4. The failure of an officer to notify their supervisor and MVR Administrator via email of equipment malfunction will result in disciplinary action.

## DEFINITIONS

**BODY-WORN MVR-** An instrument worn on the uniform/body utilized for the gathering of video and audio signals.

**CITIZEN CONTACT-** A consensual encounter with a citizen not for investigatory purposes. The citizen has the right to walk away from the encounter at any time.

**EVIDENCE.COM** – The online web-based digital media storage facility accessed at [www.evidence.com](http://www.evidence.com). The virtual warehouse stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance protocol. The system also maintains an audit of user activity.

**EVIDENCE TRANSFER STATION (ETS)** – A docking station that simultaneously recharges the Body-Worn MVR and uploads all data captured to Evidence.com.

**EVIDENTIARY VALUE** – Digital media that contains any evidence of a possible or actual civil or criminal matter, which can be used in a court of law.

**CRIMINAL INVESTIGATION** – Official process of collecting information or evidence about a crime or an alleged crime.

**IN-CAR MVR** – A system that is designed for capturing audio and video and is installed in a police vehicle.

**INVESTIGATIVE STOPS** – Lawful temporary detention of an individual, bicycle and/or vehicle because of reasonable suspicion and based on facts that the person has committed is committing or about to commit a crime.

**MOBILE VIDEO RECORDER (MVR)** – Audio/video recording equipment utilized for gathering of video and audio signals.

**NON-EVIDENTIARY VALUE** – A video/dvd/cd that contains events to be used for administrative purposes, training, or noncriminal events.

**PERSONAL MOBILE VIDEO RECORDER (PMVR)** – Audio/video recording equipment personally owned by an employee of the agency designed to record video and/or audio.

**PURSUIITS** – An attempt to affect the arrest of a person who has fled and is pursued by a law enforcement officer on foot, bicycle or by vehicle.

## **REFERENCES**

State/Federal Regulations:

Florida Statutes 943.1718

CFA:

CFA Standard 32.02M

Forms:

None

Other Policy/ Procedure References:

200.17 Records